Kelly O. Scott (SBN 132186) 1 kscott@ecilaw.com Heather L. McCloskey (SBN 193239) 2 hmccloskey@ecjlaw.com
ERVIN, COHEN & JESSUP LLP
9401 Wilshire Boulevard, Ninth Floor 3 Beverly Hills, California 90212-2974 Telephone (310) 273-6333 Facsimile (310) 859-2325 5 Attorneys for REGISTERFLY.COM, INC. AND UNIFIEDNAMES, INC. 6 7 8 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION 9 10 THE INTERNET CORPORATION FOR) 11 CASE NO. CV 07-2089 R (PLAx) ASSIGNED NAMES AND NUMBERS, 12 DECLARATION OF HEATHER L. Plaintiff. MCCLOSKEY RE: NOTICE OF EX 13 **PARTE APPLICATION TO MODIFY** V. INJUNCTION OR, IN THE 14 ALTERNATIVE, TO RECONSIDER REGISTERFLY.COM, INC., and ISSUANCE OF INJUNCTION UNIFIED NAMES, INC., 15 16 Defendants. 17 18 I, Heather L. McCloskey, declare: 19 20 I am an attorney at law duly licensed to practice before this Court and am counsel of record herein for defendants RegisterFly.Com, Inc. and 21 UnifiedNames, Inc. Unless otherwise stated, I have personal knowledge of the facts 22 stated herein and if called as a witness could competently testify thereto. 23 24 On Thursday, May 31, 2007, I gave notice of this ex parte application 2. to Samantha Eisner and Jeff LeVee, counsel for ICANN, by e-mail. The notice 25 informed ICANN's counsel of the nature of this application, when and where it 26 would be filed, and that ICANN will have twenty-four (24) hours from the time the 27 application is filed to submit any opposition thereto. On Friday, June 1, 2007, I 28

Ervin, Cohen & Jessup LLP

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informed ICANN's counsel that we would not be filing the application until Monday, June 4, 2007.

3. By return e-mail, Ms. Eisner informed me that ICANN intends to oppose this application.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this was executed on the 1st day of June, 2007 at Beverly Hills, California.

Mathu McCloskey

Heather L. McCloskey

Ì	PROOF OF SERVICE BY HAND-DELIVERY	
2	STATE OF CALIFORNIA)	
3	COUNTY OF LOS ANGELES) ss:	
4	eighteen (18) years and not a party to the within action. My business address is 350 S. Figueroa	
5		
6	HEATHER L. MCCLOSKEY RE: NOTICE OF EX PARTE APPLICATION TO MODIFY INJUNCTION OR, IN THE ALTERNATIVE, TO RECONSIDER ISSUANCE OF INJUNCTION on the parties in this action by delivering a true copy thereof enclosed in a sealed	
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9	Jeffrey A. LeVee	
10	Samantha Eisner Jones Day	
11	555 S. Flower Street, 50 th Floor Los Angeles, CA 90071-2300	
12	Tel: (213) 489-3939	
13	Fax: (213) 243-2539 Attorneys for Plaintiff	
14	I delivered such envelope(s) by hand to the office of the addressee(s).	
15	I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. EXECUTED on June 4, 2007 at Beverly Hills, California	
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